

Joseph D. Martinec
 State Bar No. 13137500
MARTINEC, WINN & VICKERS, P.C.
 611 S. Congress Avenue, Suite 450
 Austin, TX 78704-1771
 (512) 476-0750/FAX (512) 476-0753
martinec@mwvmlaw.com
 ATTORNEYS FOR NYLE MAXWELL OF TAYLOR, LLC

**UNITED STATES BANKRUPTCY COURT
 NORTHERN DISTRICT OF TEXAS
 LUBBOCK DIVISION**

IN RE:	§	
REAGOR-DYKES MOTORS, LP,	§	Case No. 18-50214-rlj11
Debtor.	§	
IN RE:	§	
REAGOR-DYKES IMPORTS, LP,	§	Case No. 18-50215-rlj11
Debtor.	§	(Jointly Administered Under Case No. 18-50214)
IN RE:	§	
REAGOR-DYKES AMARILLO, LP,	§	Case No. 18-50216-rlj11
Debtor.	§	(Jointly Administered Under Case No. 18-50214)
IN RE:	§	
REAGOR-DYKES AUTO COMPANY, LP,	§	Case No. 18-50217-rlj11
Debtor.	§	(Jointly Administered Under Case No. 18-50214)
IN RE:	§	
REAGOR-DYKES PLAINVIEW, LP,	§	Case No. 18-50218-rlj11
Debtor.	§	(Jointly Administered Under Case No. 18-50214)
IN RE:	§	
REAGOR-DYKES FLOYDADA, LP,	§	Case No. 18-50219-rlj11
Debtor.	§	(Jointly Administered Under Case No. 18-50214)

**NYLE MAXWELL’S MOTION TO LIFT AUTOMATIC STAY AND REQUEST FOR
 SHORTENED NOTICE PERIOD AND EXPEDITED HEARING**

TO THE HONORABLE BANKRUPTCY JUDGE:

COMES NOW Nyle Maxwell of Taylor, LLC (hereinafter “Nyle Maxwell”), a creditor and party in interest, complaining of Reagor-Dykes Motors, LP d/b/a Prime Capital Auto Lease, and Reagor-Dykes Imports, LP, doing business as Reagor-Dykes Mitsubishi, collectively

“Debtors”, and files this its Motion to Lift Automatic Stay (the “Motion”) and would respectfully show as follows:

1. This Motion is filed pursuant to 11 U.S.C. Section 362(d)(1) for cause, including the lack of adequate protection of the rights of the Nyle Maxwell as a creditor.

2. This Motion is filed pursuant to Bankruptcy Rule 9014 and constitutes a contested matter thereunder. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. § 1334 and is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), (B), (G), (M) and (O).

3. On or about August 1, 2018, Reagor-Dykes Motors, LP, Reagor-Dykes Imports, LP, Reagor-Dykes Amarillo, LP, Reagor-Dykes Auto Company, LP, Reagor-Dykes Plainview, LP, and Reagor-Dykes Floydada, LP commenced this case by filing a petition in bankruptcy and by reason of such filing an automatic stay was put in place by 11 U.S.C. § 362.

4. Nyle Maxwell owns and operates a new and used vehicle dealership. It sells vehicles to Reagor-Dykes Motors, LP, doing business as Prime Capital Auto Lease, and Reagor-Dykes Imports, LP, doing business as Reagor-Dykes Mitsubishi, holders of a Motor Vehicle Lease-Facilitator License. Reagor-Dykes Imports, LP, doing business as Reagor-Dykes Mitsubishi, also purchases used vehicles from Nyle Maxwell. On information and belief, Prime Capital Auto Lease purchases vehicles with the intent to lease those vehicles to its customers under a lease which Prime Capital Auto Lease then assigns to other entities, including US Bank and MUSA Auto Leasing.

5. Typically, Nyle Maxwell is contacted by a Debtor entity to purchase a vehicle from Nyle Maxwell’s inventory. Nyle Maxwell begins preparing the documentation for a transfer of title to the Debtor-purchaser’s lessor entity. The Debtor-purchaser sends its employees to pick up the vehicle before title transfer has occurred, and before Nyle Maxwell has been paid. Nyle Maxwell is paid by submitting a draft for the purchase price to a Debtor’s

lender. Fifteen such transactions were in process at the time of the bankruptcy filing. See Exhibit A and Affidavit of Melinda Wolf attached hereto and made a part hereof. Title to all vehicles referenced in the Exhibit A transactions was held in Nyle Maxwell on the petition date. The lenders designated by Debtors are First Capital Bank of Texas and Vista Bank. On information and belief, neither bank is currently honoring Nyle Maxwell's drafts. Nyle Maxwell has attempted to reach out to these banks to inquire as to the bank's intent.

6. As reflected in Exhibit A and the Affidavit of Melinda Wolf, Nyle Maxwell is owed \$513,717.88. The interests of Nyle Maxwell have not been adequately protected in that its drafts are not being honored, while vehicles turned over to the prospective lessees by Debtors remain property of Nyle Maxwell.

7. The imposition of the automatic stay has prevented Nyle Maxwell from exercising its contractual and statutory remedies. The referenced sales were not consummated, and any purported contract would be invalid by virtue of a failure of consideration. The customers having possession of the Nyle Maxwell-owned vehicles are probably unaware of the status of their respective transactions. Nyle Maxwell requests that the stay be lifted and that it be permitted to recover its vehicles, or to allow Nyle Maxwell to contact customers regarding alternate financing or turnover of the vehicles to Nyle Maxwell. Any delay in recovering the subject vehicles creates additional risk of loss to Nyle Maxwell or damage to its vehicles. Additionally, the Nyle Maxwell-owned vehicles may have been included in lease agreements which have generated income that is or will be used by Debtors to pay creditors other than Nyle Maxwell, which itself must meet obligations owed to its own creditors.

8. On information and belief, most of the vehicles which are the subject of this motion have been leased and the leases have in some instances been assigned to US Bank and MUSA Auto Leasing by Prime Capital Auto Lease. It is likely that lease payments and funding for assignment of the Prime Capital leases has been paid to Debtors even though Movant has not been paid. Nyle Maxwell is entitled to an accounting of any funds paid to Prime Capital Auto Lease by lessees and/or US Bank and MUSA Auto Leasing.

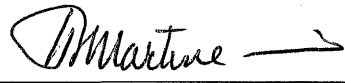
9. Nyle Maxwell requests that the Motion be heard on an expedited basis at the earliest available setting, and that the Court accordingly shorten notice of this motion so that it may be heard at such date and time.

10. Nyle Maxwell requests that the fourteen-day stay of an order granting a motion for relief from the automatic stay, as provided by Bankruptcy Rule 4001(a)(3), be vacated and dissolved effective on the date of the entry of the Order granting requested relief.

WHEREFORE, PREMISES CONSIDERED, Nyle Maxwell of Taylor, LLC respectfully prays that, upon notice to parties in interest and pursuant to the requirements of Section 102 and Section 362 of the United States Bankruptcy Code, the Court enter an order lifting the automatic stay so as to permit Nyle Maxwell to recover its vehicles provided pursuant to the leases; to pursue its other contractual and statutory remedies; to require an accounting for any funds paid to Prime Capital Auto Leasing pursuant to or related to the leasing of the Nyle Maxwell-owned vehicles; that the hearing on the Motion be expedited and notice shortened; and for such other and further relief as is just.

Respectfully submitted,

MARTINEC, WINN & VICKERS, P.C.
611 S. Congress Avenue, Suite 450
Austin, TX 78704-1771
(512) 476-0750/FAX (512) 476-0753
martinec@mwvmlaw.com

By: 
Joseph D. Martinec
State Bar No. 13137500
ATTORNEYS FOR NYLE MAXWELL OF TAYLOR, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Nyle Maxwell's Motion to Lift Automatic Stay and Request for Shortened Notice Period and Expedited Hearing* has been served via the Court's ECF Noticing System to the creditors and parties in interest receiving electronic notice, by First Class Mail, postage prepaid, or by facsimile transmission, if so indicated, to the creditors and parties in interest on the attachment, and to the following on the 17th day of August, 2018.

Reagor Dykes Auto Group
1215 Ave. J
Lubbock, TX 79401
(Via First Class Mail)

U.S. Trustee
1100 Commerce St., Room 9C60
Dallas, TX 75242
(Via ECF)

David R. Langston
Mullin Hoard & Brown, L.L.P.
P.O. Box 2585
Lubbock, TX 79408-2585
Attorneys for Debtors
(Via ECF)


Joseph D. Martinec

Nyle Maxwell of Taylor, LLC

Detail of Outstanding Payments

			DRAFTING		
LESSEE	VEHICLE	STK#	BANK	LESSOR	AMOUNT
Drafts Not Submitted					
DUSTY REID	2018 Dodge Durango 2WD 4dr Wgn GT (VIN 1C4RDHDG9JC316840)	JC316840	First Capital Bank of Texas	Prime Capital Auto Lease	\$ 33,230.59
GENEVIEVE DORN	2018 Jeep Grand Cherokee 2WD 4dr Wgn Limited (VIN 1C4RJEBG8JC392091)	JC392091	First Capital Bank of Texas	Prime Capital Auto Lease	\$ 30,955.25
ROGER VICK	2019 Ram 1500 4WD Crew Cab Lone Star/Bighorn (VIN 1C6SRFFT9KN586522)	KN586522	Vista Bank	Reagor Dykes Mitsubishi	\$ 41,708.95
SETH DOEGE	2018 Jeep Grand Cherokee 4WD 4dr Wgn Laredo (VIN 1C4RJFAG7JC440770)	JC440770	First Capital Bank of Texas	Prime Capital Auto Lease	\$ 33,690.07
DAKOTA GRIFFITH	2018 Ram 2500 4WD Crew Cab SLT (VIN 3C6UR5JLXJG290717)	JG290717	First Capital Bank of Texas	Prime Capital Auto Lease	\$ 53,981.20
WILLIAM WOODRING	2018 Jeep Grand Cherokee 4WD 4dr Wgn Trailhawk (VIN 1C4RJFLG5JC437590)	JC437590	First Capital Bank of Texas	Prime Capital Auto Lease	\$ 43,294.89
SHANE HARRIS	2018 Jeep Grand Cherokee 2WD 4dr Wgn Limited (VIN 1C4RJEBG7JC338958)	JC338958	First Capital Bank of Texas	Prime Capital Auto Lease	\$ 30,119.00
CHARLOTTE MOTLEY	2018 Jeep Grand Cherokee 2WD 4dr Wgn Limited (VIN 1C4RJEBG7JC359132)	JC359132	Vista Bank	Reagor-Dykes Mitsubishi	\$ 29,431.02
KYLAR ESCHENBACHER	2018 Ram 1500 (VIN 1C6RR7YT7JS135994)	JS135994	First Capital Bank of Texas	Prime Capital Auto Lease	\$ 39,494.69

Nyle Maxwell of Taylor, LLC

Detail of Outstanding Payments

DRAFTS DEPOSITED-Not paid by drafting bank					
TRAVIS BENSON	2018 Dodge Challenger 2dr Cpe R/T (2C3CDZBTXJH229140)	JH229140	First Capital Bank of Texas	Prime Capital Auto Lease	\$ 31,688.36
NORA DIAZ	2018 Chrysler 300 4dr Sdn Touring (VIN 2C3CCAAG8JH308427)	JH308427	Vista Bank	Reagor-Dykes Mitsubishi	\$ 24,291.94
MYKEE FLORES	2018 Dodge Charger SD (VIN 2C3CDXHG2JH273356)	JH273356	Vista Bank	Reagor-Dykes Mitsubishi	\$ 25,643.12
STEPHEN ROWDEN	2018 Jeep Wrangler 4dr Conv Unlimited Rubicon (VIN 1C4HJXFGXJW205790)	JW205790	Vista Bank	Reagor-Dykes Mitsubishi	\$ 54,388.80
Wholesales-Used Vehicle Purchased by Reagor Dykes Mitsibishi					
NAME	VEHICLE	STK#			
Reagor-Dykes Mitsubishi	2016 Ford F250 PU (VIN 1FT7W2B60GEB84685)	GEB84685	Vista Bank		\$ 26,800.00
Reagor-Dykes Mitsubishi	2015 Dodge Charger (VIN 2C3CDXHG1FH726406)	FH726406	Vista Bank		\$ 15,000.00
					\$ 513,717.88

Nyle Maxwell of Taylor, LLC
Reagor-Dykes Motors, LP, et al.,
Case No. 18-50214-rlj11 (Jointly
Administered) filed 8/1/2018

Roger Dale Vick
10108 #2 Evanston Ave.
Lubbock, TX 79424

Related Parties

Leaseholders for MLS

Dusty Reid
1605 N. San Andres
Hobbs, NM 88240

William K. Woodring
956 E. 36th St.
Tulsa, OK 74105

MUSA Auto Leasing
4455 Lyndon B. Johnson Fwy #1200
Dallas, TX 75244

Travis Benson
2817 Little Elm Trail
Cedar Park, TX 78613

Kylar Eschenbacher
4421 82nd St. #141
Lubbock, TX 79424

Prime Capital Auto Lease
1301 19th Street
Lubbock, TX 79401

Nora Lucille Diaz
2720 53rd St.
Lubbock, TX 79413

Mykee Flores
2406 40th St.
Lubbock, TX 79412-1538

Reagor-Dykes Mitsubishi
6540 82nd St.
Lubbock, TX 79424

Seth C. Doege
14940 Trails End Dr.
Perrysburg, OH 43551

U.S. Bank N.A.
1850 Osborn Ave
Oshkosh WI 54902

Genevieve M. Dorn
2311 92nd Street
Lubbock, TX 79423

Vista Bank
c/o Jason M. Rudd (Via ECF)

Dakota S. Griffith
200 Vikki Rd.
Big Spring, TX 79720

First Capital Bank of Texas
c/o John F. Massouh (Via ECF)

Shane D. Harris
393 CR 384
Childress, TX 79201

Charlotte Marie Motley
8701 151st St. B
Wolfforth, TX 79382

Stephen Wade Rowden
8304 CR 6940
Lubbock, TX 79407

**Nyle Maxwell of Taylor, LLC
Service List**

Reagor-Dykes Motors, LP, et al.,
Case No. 18-50214-rlj11 (Jointly
Administered) filed 8/1/2018

Reagor-Dykes Auto Group
1215 Ave. J
Lubbock, TX 79401
Debtors
(Via First Class Mail)

David R. Langston
Mullin Hoard & Brown, LLP
P.O. Box 2585
Lubbock, TX 79408-2585
Attorneys for Debtors (Via ECF)

U.S. Trustee
1100 Commerce St., Room 9C60
Dallas, TX 75242
(Via ECF)

**Reagor-Dykes Motors, LP
Top 20 Unsecured Creditors
(Via First Class Mail)**

AER Manufacturing
P.O. Box 974180
Dallas, TX 75397-4180

American Tire Distributors
Payment Processing Center
P. O. Box 889
Huntersville, NC 28070-0889

Bistro Battery
124 E. Slaton Road
Lubbock, TX 79452

Bumper Manufacturing
2500 Minis Drive
Haltom City, TX 76117

Concho Supply, Inc.
P. O. Box 3487
San Angelo, TX 76902

Descriptive Auto Design, LLP
P. O. Box 64366
Lubbock, TX 79464

Earl Owens Company, LLC
P. O. Box 111787
Carrollton, TX 75011

Fender Truck Accessories
P. O. Box 2576
Midland, TX 79702

Ford Motor Credit Co.
9009 Carothers Parkway
Franklin, TX 37067

Keystone Automotive Operations
P. O. Box 417450
Boston, MA 02241-7450

Lubbock Auto Spa
3305 81st Street
Lubbock, TX 79423

Meyer Distributing
560 East 25th Street
Jasper, IN 47546

Napa Auto Parts
310 N. 4th
Lamesa, TX 79331

O'Reilley Auto Parts
P. O. Box 9464
Springfield, MO 65801-9464

Reid Bethel Tire Co.
P. O. Box 29
Lamesa, TX 79331

Reynolds and Reynolds
P. O. Box 182206
Columbus, OH 43218-2206

Sam Pack's Five Star Ford
P. O. Box 910227
Dallas, TX 75391

Sewell Ford Inc.
P. O. Box 3432
Odessa, TX 79760

The Reinalt-Thomas Corporation
P. O. Box 29851
Phoenix, AZ 85038-9851

Valvaline LLC
3499 Blazer Parkway
Lexington, KY 40509

**Parties Requesting Notice
(Via ECF)**